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PTO/SB/05 (03-01)  
Approved for use through 10/31/2002. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>		Attorney Docket No.	10281-013-999	Total Pages		
		First Named Inventor or Application Identifier				
		Brian S. Appel				
		Express Mail Label No.	EV 313 842 246 US			

**APPLICATION ELEMENTS**  
*See MPEP chapters 600 concerning utility patent application contents.*

1. ☒ Fee Transmittal Form  
*(Submit an original, and a duplicate for fee processing)*

2. ☐ Applicant claims Small Entity status, see 37 C.F.R. § 1.27

3. ☒ Specification [Total Pages 42]  
*(preferred arrangement set forth below, MPEP 1503.01)*

- Descriptive title of the Invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R&D
- Reference to Microfiche Appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description of the Invention (including drawings, if filed)
- Claim(s)
- Abstract of the Disclosure

4. ☒ Drawing(s) *(35 USC 113)* [Total Sheets 9]

5. ☒ Oath or Declaration [Total Sheets 4]

a. ☒ Newly executed (original or copy)

b. ☐ Copy from a prior application (37 CFR 1.63(d))  
*(for continuation/divisional with Box 18 completed)*

i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*

a. ☐ Computer Readable Form (CRF)

b. ☐ Specification Sequence Listing on:  
i. ☐ CD-ROM or CD-R (2 copies); or  
ii. ☐ paper

c. ☐ Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☒ Assignment Papers (cover sheet & document(s))

10. ☒ 37 CFR 3.73(b) Statement ☒ Power of Attorney  
*(when there is an assignee)*

11. ☐ English Translation Document (if applicable)

12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations

13. ☐ Preliminary Amendment

14. ☒ Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*

15. ☐ Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*

16. ☒ Nonpublication Request under 35 U.S.C. 122 (b)(2)(i). Applicant must attach form PTO/SB/35 or it's equivalent

17. ☒ Other: Certificate of Limited Recognition

**18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:**

☐ Continuation   ☐ Divisional   ☐ Continuation-in-part (CIP)

of prior application No.:      filed

Prior application information:      Examiner:      Group Art Unit:

**For CONTINUATION OR DIVISIONAL APPS only:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

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PENNIE & EDMONDS LLP  
COUNSELORS AT LAW  
3300 Hillview Avenue  
Palo Alto, California 94304

**COPY**

ATTORNEY DOCKET NO. 10281-013-999

Date: November 18, 2003

Commissioner for Patents  
P.O. Box 1450  
Mail Stop PATENT APPLICATION  
Alexandria, VA 22313-1450

Sir:

The following utility patent application is enclosed for filing:

Applicant(s): Appel et al. Executed on: November 13, 2003

Title of Invention: APPARATUS FOR SEPARATING PARTICULATES FROM A SUSPENSION,  
AND USES THEREOF

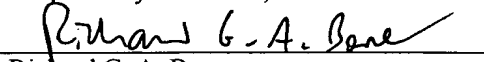
**PATENT APPLICATION FEE VALUE**

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	17	- 20	0	\$18.00 each	\$ 0
Independent	2	- 3	0	\$86.00 each	\$ 0
Minimum Fee					\$ 770
Multiple Dependency Fee If Applicable (\$290.00)					\$ 0
<b>Total</b>					\$ 770
Applicant qualifies for the 50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					\$ 0
<b>Total Filing Fee</b>					\$ 770

- DO NOT PUBLISH.** I hereby certify that the invention disclosed in the attached application
- [x] **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).
- [x] Priority of application no. 60/458,520 filed on 3/28/2003 is claimed under 35 U.S.C. § 119.
- [ ] The certified copy of the priority application has been filed in application no. filed on .

Please charge the required fee to Pennie & Edmonds LLP Deposit Account 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

  
Richard G. A. Bone  
Limited Recognition Under 37 C.F.R. § 10.9(b)  
(Copy of Certificate attached hereto)

for: Thomas D. Kohler (Reg. No. 32,797)  
PENNIE & EDMONDS LLP

Enclosure

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Brian S. Appel
	Title	APPARATUS FOR SEPARATING PARTICULATES FROM A SUSPENSION, AND USES THEREOF
	Atty Docket Number	10281-013-999

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

November 18, 2003

Date

*Richard G. A. Bone*

Signature

Richard G. A. Bone  
Limited Recognition Under 37 C.F.R. § 10.9(b)  
(Copy of Certificate attached hereto)  
for Thomas D. Kohler Reg. No. 32,797

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

**Burden Hour Statement:** This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 35 CFR 1.14. This form is estimated to take 6 minutes to complete. this time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**